

## **FINAL STATEMENT OF REASONS:**

The Initial Statement of Reasons (ISOR) is incorporated by reference.

The California Prison Industry Authority (CALPIA) and the California Prison Industry Board (PIB) propose to amend Section 8000 of Chapter 1, Article 1, and adopt Sections 8007 and 8008 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Appeals and CALPIA Health or Safety Complaints.

The policies of the CALPIA have been vetted through the public process of the PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). The PIB approved the filing of these regulations at their Board Meeting on January 13, 2011. The filing of regulations is necessary to ensure that the policies and procedures of the CALPIA are adopted pursuant to the APA.

This action is consistent with regulations filed by the California Department of Corrections and Rehabilitation (CDCR) contained in the Title 15, Division 3, Article 8 regarding Inmate Appeals. Emergency regulations (210-1123-01 EON) were submitted to the Office of Administrative Law by CDCR concerning inmate and parolee appeals. OAL approved this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code and section 5058.3 of the Penal Code. The emergency regulatory action was effective on January 28, 2010, and will expire on July 8, 2011. Article 8, new subsection 3084.9(e) through (e)(2) incorporates and amends language from existing Subsections 3084.7(i) through (i)(3).

CDCR's Initial Statement of Reasons provides the following necessity for the change to their regulations:

"A new Subsection 3084.9(e) through (e)(2) incorporates and amends language from existing Subsections 3084.7(i) through (i)(3). The organization "Prison Industry Authority" has been defined in Title 15, Division 8 to mean "California Prison Industry Authority" (CALPIA), and reference to this entity has been accordingly amended. For consistency with Labor Code (LC) Section 6304.3 and in keeping with the definitions established in Title 8, CCR Subsection 344.40(a) the word "complaint(s)" replaces "grievance(s)." As existing law clearly establishes the CALPIA health and safety complaint process and CCR Title 8 Industrial Relations regulations provide additional details, obsolete conflictive text is being removed from these regulations. Complaints are handled internally by CALPIA's correctional industry safety committee, in accordance 8 CCR 344.40(b). Subsection 344.43 further details the operation of the committee specific to appropriate action that shall be taken on every correctional industry health or safety complaint. These changes are necessary, therefore, in order to ensure that there is statutory and regulatory consistency across the different codes and rules."

During CDCR's 45-Day Public Hearing Comment Period no oral or written comments were received which pertained to subsections 3084.9(e) through (e)(2). The CDCR's intent is to file a Certificate of Compliance for this action for permanent adoption of these regulations.

CALPIA's Notice of Proposed Regulations was filed with the Office of Administrative Law (OAL) on February 7, 2011 and was published on February 18, 2011. The public hearing was held on April 15, 2011. There were no public comments received at the public hearing. During the 45-day comment period, there were no written comments received. CALPIA has been advised by CDCR that the language in their emergency regulations, specifically subsection 3084.9(e), will not be amended or altered in any way prior to their final filing of the Certificate of Compliance.

This action adopts language into the CCR that implements, interprets, and makes specific policies and procedures that apply to CALPIA and the PIB and have been approved by the PIB. These regulations further provide a clear reference by staff, inmates, and the public in general.

The specific purpose of each adoption, and the rationale for the determination that each adoption is reasonably necessary to effectuate the purpose for which it is proposed was initially addressed in the Initial Statement of Reasons. The text of the regulations was not amended and no new information was relied upon.

#### **ALTERNATIVE DETERMINATION:**

The CALPIA and the PIB have determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

#### **ASSESSMENTS, MANDATES AND FISCAL IMPACT:**

The CALPIA and the PIB have determined that no reasonable alternatives to the regulations have been identified or brought to the attention of the CALPIA that would lessen any adverse impact on small business.

The CALPIA and the PIB have made a determination that the action may not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the CALPIA and the PIB's initial determination.

The CALPIA and the PIB have determined that this action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

In proposing these regulations, the CALPIA and the PIB have not identified or relied upon any technical, theoretical, or empirical study, report, or similar document.

**PUBLIC HEARING COMMENTS:**

**Public Hearing: Held April 15, 2011 at 10:30 a.m.**

**SUMMARIES AND RESPONSES TO ORAL COMMENTS AT THE PUBLIC HEARING:**

There were no speakers/comments at the Public Hearing.

**SUMMARIES AND RESPONSES TO WRITTEN COMMENTS:**

There were no written comments received during the 45-Day Public Comment period.

## **PRISON INDUSTRY BOARD MEETING**

**January 13, 2011**

### **RECORD OF VOTE**

**AGENDA ITEM:** Adoption of regulations, Title 15, Division 8, Article 3, Sections 8000, 8007, 8008 and authorization of General Manager, Chuck Pattillo, to make non-substantive changes to those regulations [11-0113-320-AI]

**SUMMARY OF ACTION/MOTION:** Motion made by Member Woodford and seconded by Member Kelly. Motion passed 9-0.

### **RECORD OF VOTE:**

<b>Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chair Matthew Cate				<b>X</b>
Amos, Stephen [Chair (A)]	<b>X</b>			
Chapjian, George				<b>X</b>
Davison, William	<b>X</b>			
Greenstone, Leonard	<b>X</b>			
Kelly, Curtis	<b>X</b>			
Masteller, Kira	<b>X</b>			
Saito, Bruce	<b>X</b>			
Singh, Darshan	<b>X</b>			
Trujillo, Ray	<b>X</b>			
Woodford, Jeanne	<b>X</b>			